



City of Marietta Meeting Agenda

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

CITY COUNCIL

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Monday, October 13, 2008

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Anthony Coleman, Ward 5

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20081186 Governor's Challenge Award

The Marietta Police Department's Selective Traffic Enforcement Program Unit has received the 2008 Governor's Challenge Award for Bike/Pedestrian Safety. This award honors Sgt. Grant Foster, Officer Terry Wardlaw, Officer Brian Honea, Officer Mario Beneito, Officer Nick Costos, and Officer Ken Wishon for their dedication to the safety of our motorists, bicyclists and pedestrians in Marietta.

20081234 Public Power/ Clean Water Week poster contest winners

2008 Public Power/ Clean Water Week Poster contest winners from Park Street Elementary.

Public Power Contest Winners

Grand Prize - Christopher Pappagiannopoulos- 4th Grade

1st Place - Shamael Callender-

2nd Place - Shirley Sanchez- 3rd Grade

3rd Place - Taylor Tillman- 5th

Clean Water Contest Winners

Grand Prize - Ana De Souza- 4th Grade

1st Place - Carolina Diaz- 5th Grade

2nd Place - Carlos Ayala- 3rd Grade

3rd Place - Anthony Anderson- 5th Grade

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PROCLAMATIONS:**20081248 National Community Planning Month**

Proclamation presented to the Marietta Planning Commission and Marietta Board of Zoning Appeals recognizing the City's planning efforts and designating the month of October 2008 as Community Planning Month in the City of Marietta in conjunction with the celebration of National Community Planning Month.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

- * **20081245 Regular Meeting - September 10, 2008**
Review and approval of the September 10, 2008 regular meeting minutes.
- * **20081202 Special Called Meeting - September 24, 2008**
Review and approval of the September 24, 2008, City Council Special Called meeting minutes.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:**

- * **20080393 Construction Board of Adjustment and Appeals**
Appointment of John Holmes to the Construction Board of Adjustment and Appeals (Ward 7) for a term of five years effective immediately and expiring on January 31, 2013.
- * **20081179 Board of Zoning Appeals (Ward 7)**
Reappointment of Neil Bishop to the Board of Zoning Appeals for a three year term expiring September 8, 2011.
- 20081178 Board of Zoning Appeals (Ward 6)**
Appointment to the Board of Zoning Appeals (Ward 6) for a three year term expiring September 8, 2011.
- * **20081156 Marietta Museum of History Directors**
Reappointment of Thomas McBrayer, Alice Summerour, and Guy H. Northcutt Jr., to the Museum of History Board of Directors for a 3-year term expiring on October 31, 2011.

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* **20081157 Marietta Museum of History - Board Appointment**

Consideration of a recommendation by the Museum of History Board to appoint Stacy Simpson Brown to the Marietta Museum of History Board of Directors to replace Vickie Thomas David for a 3-year term expiring on October 31, 2011.

ORDINANCES:

20081034 Z2008-13 Gary T. Bottoms 325 Alexander Street

Z2008-13 [REZONING] GARY T. BOTTOMS request rezoning for property located in Land Lot 1289, 16th District, Parcel 039, 2ND Section, Marietta, Cobb County, Georgia and being known as 325 Alexander Street from OIT (Office Institution Transitional) to OIT (Office Institution Transition) with stipulations. Ward 5.

Planning Commission recommends approval with stipulations

Vote: 6 -1 - 0

Motion: Mr. Kinney moved to recommend to Mayor and City Council, seconded by Mr. Carter, to grant the rezoning to OIT w/stipulations.

Stipulations:

- *Stipulation Letter of September 15, 2008 from Garvis L. Sams, Jr. to Russell J. Roth (absent Stipulation No. 15) be included;*
- *Applicant comes to an agreement on what to do between his property and Mrs. DeVaughan's property as far as fencing, landscaping, etc.;*
- *Frasier Street exit be a right-out only;*
- *Architecture, as presented, be modified to become substantially more residential looking to fit better into this neighborhood.*

PUBLIC HEARING (all parties are sworn in)

REVISED STIPULATIONS LETTER RECEIVED TUESDAY, OCTOBER 7, 2008

20081140 Z2008-14 RG Investments, LLC Cobb Parkway

Z2008-14 [REZONING] RG INVESTMENTS request rezoning for property located in Land Lot 0865, 16th District, Parcel 8, 2nd Section, Marietta, Cobb County, Georgia and being vacant property on Cobb Parkway from GC [General Commercial (County)] to MXD [Mixed Use Development (City)]. Ward 5.

Planning Commission recommends approval Vote: 7 - 0 - 0

Stipulation: n/a

PUBLIC HEARING (all parties are sworn in)

20081142 A2008-02 Pat E. Belcher vacant property on Cobb Parkway

A2008-02 [ANNEXATION] RG INVESTMENT, LLC requests annexation for property located in Land Lot 865, District 16, Parcel 8 and being known as vacant property on Cobb Parkway, in the 2nd Section, Cobb County, Georgia consisting of 0.07760 acres. Ward 5.

Planning Commission recommends approval Vote: 7 - 0 - 0

Stipulation: n/a

PUBLIC HEARING (all parties are sworn in)

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20081143 CA2008-08 RG Investments Vacant property on Cobb Parkway

CA2008-08 [CODE AMENDMENT] PAT BELCHER (RG Investments) in conjunction with the requested annexation of property located in Land Lot 0865, District 16, Parcel 8, 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 5.

Planning Commission recommends approval *Vote: 7 - 0 - 0*

Stipulation: n/a

PUBLIC HEARING (all parties are sworn in)

* **20081075 Code Enforcement - 341 West Post Oak Crossing**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 341 West Post Oak Crossing.

Listed Owner: Erika S. Burse

Certified mail receipt returned 09/19/08; marked Vacant, Unable to Forward

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20081189 Code Enforcement - 1289 Andrews Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1289 Andrews Drive.

Listed Owner: Hills, James J & Wanda S, c/o Peach Properties

Certified mail receipt not received as of 09/26/08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20081190 Code Enforcement - 1785 Barrington Overlook**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1785 Barrington Overlook.

Listed Owner: Brooks JD

Certified mail receipt received on 09/19/08; not signed by owner.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20081191 Code Enforcement - 1124 Burbank Circle**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1124 Burbank Circle.

Listed Owner: Spivak Helen

Certified mail receipt not received as of 09/26/08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

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- * **20081192 Code Enforcement - 600 Tom Read Drive**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 600 Tom Read Drive.
Listed Owner: Webb Jason D
Certified mail receipt not received as of 09/26/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081195 Code Enforcement - 195 Wright Street**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 195 Wright Street.
Listed Owner: Deloris Douglas
Certified mail receipt returned 09/05/08 as "Unable to Forward."
Taxes paid: Yes
PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining
- * **20081196 Code Enforcement - 128 Patrick Way L-7**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 128 Patrick Way L-7.
Listed Owner: Robert Harris Homes
Certified mail receipt received on 09/18/08; not signed by officer.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081211 Code Enforcement - 1720 Twin Brooks Drive**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1720 Twin Brooks Drive.
Listed Owner: Cynthia Germeil Fletcher
Certified mail receipt not received as of 09/25/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstainnig
- * **20081212 Code Enforcement - 1639 Longwood Drive**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1639 Longwood Drive.
Listed Owner: Brian T. & Patricia M. McNair
Certified mail receipt not received as of 09/26/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining
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- * **20081213 Code Enforcement - 401 Water Oak Way**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 401 Water Oak Way.
Listed Owner: Anita May Dobson
Certified mail receipt not received as of 09/26/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081214 Code Enforcement - 350 Water Oak Way**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 350 Water Oak Way.
Listed Owner: Ribeiro Egrismar
Certified mail receipt not received as of 09/26/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081215 Code Enforcement - 683 Cherokee Street**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 683 Cherokee Street.
Listed Owner: Cuthbertson Carol Ann & Cuthbertson Vanna Victoria
Certified mail receipt returned 09/22/08; not signed by owner.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081232 Code Enforcement - 390 Scott Drive**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 390 Scott Drive,
Listed Owner: Cash James G.
Certified mail receipt not received as of 09/26/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20081233 Code Enforcement - 1503 Church Street Extension**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1503 Church Street Extension.
Listed Owner: Kwon Phil
Certified mail receipt returned 09/18/08.

Taxes paid: Yes
PUBLIC HEARING REQUIRED

* **20081235 Code Enforcement - 85 Kimberly Way**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 85 Kimberly Way.

Listed Owner: Chris P. Doyle
Certified mail receipt not received as of 09/26/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

* **20081236 Code Enforcement - 87 Kimberly Way**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 87 Kimberly Way.

Listed Owner: Chris P. Doyle
Certified mail receipt not received as of 09/26/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20081187 Denial of a claim**

Denial of the claim of the Islamic Circle of North America, Inc.

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

2. Finance/Investment: Annette Lewis, Chairperson

* **20081175 Grant funds**

An Ordinance approving an amendment to the Fiscal Year 2009 budget to receive and appropriate a grant from the Department of Justice through the Edward Byrne Memorial Justice Assistance Grant Program for \$14,948.00 to purchase in-car video systems for motorcycle units.

* **20081173 Historic Preservation Commission**

An Ordinance approving an amendment to the Fiscal Year 2009 General Fund budget to use \$3,000 from designated contingency for the installation of historical signs for the Smith-Manning House.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

- * **20080718 Comprehensive Development Code, Division 714 Signs.**
Motion to authorize advertisement for proposed amendments to the Comprehensive Development Code, Division 714 Signs.
- * **20081130 Peachtree Business Products Revised Landscape Plan**
Motion approving the revised Landscape Plan for Peachtree Business Products located at 1940 West Oak Circle.

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

5. Personnel/Insurance: Van Pearlberg, Chairperson

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

- 20081162 Campbell Hill Street Closure Agreement**
Motion approving revisions to the Campbell Hill Street Closure Agreement.
- * **20081163 Pedestrian Improvements at Bus Stops**
Motion approving an Inter-local Agreement between Cobb County and Marietta for pedestrian improvements at bus stops.
- 20080858 Chestnut Hill/Powder Springs Street**
Motion to approve an expenditure from the alternate compliance tree fund not to exceed \$6,000, to landscape only the right-of-way at the northwest corner of Chestnut Hill Road and Powder Springs Road with a sustainable landscape design privately funded.
Council member Goldstein submitted a written disclosure stating that Bill Haggeman is a tenant of his at 120 S Park Square. Mr. Haggeman owns (direct or indirectly) the property adjacent to the right-of-way in question.
- * **20081171 Post Office Property on Lawrence Street**
Motion to approve a request by the Marietta Branch Post Office for easement along Lawrence Street for the completion of proposed improvements, which shall include replacement of the sidewalk along the site frontage fully compliant with ADA Requirements.

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

- * **20081246 Lights of Life Use of Wildwood Park**
Motion approving a request from Holiday Lights, LLC on behalf of Life University to place a lighted display promoting "Lights of Life" in Wildwood Park between November 1, 2008 - January 5, 2009. This annual request is to be approved administratively for the remainder of the term of this City Council unless there is a major change or until revoked by this City Council.

- * **20081253 Hotel/Motel Occupancy Tax - Quality Inn**
- Motion to authorize the enforcement and collection of the Hotel/Motel Occupancy Tax due to the City of Marietta by the Quality Inn located at 1255 Franklin Road, Marietta Georgia and to authorize the City Manager and City Attorney to take any action necessary to accomplish this motion, including, but not limited to, the institution of legal action, including the filing of any appeal related thereto.
- * **20081244 Final Hickory Hills Park Payment**
- Ordinance to amend FY2009 budget in amount of \$50,000 for the final payment for purchase of Hickory Hills Park
- 20081121 Denial of Sign Permit Application**
- Motion to affirm the decision of the Director of Development Services to deny the Sign Permit application for Clear Channel Outdoor, Inc. to install LED sign faces on existing sign located at 50 Powers Ferry Road (a/k/a 70 Powers Ferry Road), Marietta, GA.
- 20081149 V2008-20 Clear Channel Outdoor, Inc. 50 Powers Ferry Road**
- V2008-20 [Variance] Clear Channel Outdoor, Inc. request variances for property located in Land Lot 12390, 16th District, Parcel 270 and being known as 50 Powers Ferry Road. Variances for Section 714.04 (F.1)(F.4)(F.5)(F.8) and (F.9) regarding General Advertising and Off Premises Signs, to install LED sign faces on existing sign.
- * **20081181 BLW Actions of October 6, 2008**
- Review and approval of the October 6, 2008 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

ADJOURNMENT: